IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7916 of 2007(N)

CMP.8555/2007 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.412/07 OF THE KADAKKAL POLICE STATION

.....

PETITIONER

NIZARUDDEEN @ PONNUMON, S/O.SALAHUDEEN,
PALLIKUNNEL VEEDU, MUTTIYIL MURI,
MANGODU VILLAGE, KADAKKAL, KOLLAM DISTRICT.

BY ADV. SRI.DEVAN RAMACHANDRAN
SMT.T.G.SEETHAL

RESPONDENTS:

---

1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
KADAKKAL.

BY P.P. SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7916 of 2007

Dated this the 19th day of December, 2007

ORDER

Third application for regular bail. The petitioner faces allegations under Sec.376 of the IPC. The petitioner remains in custody from 7/10/07, the incident having taken place on 6/10/07. The de facto complainant – a married woman, aged about 25 years whose husband was under compelling reasons constrained to be away from his house, was allegedly sexually assaulted and rape committed on her by the petitioner on 6/10/07. I have adverted to the facts in detail in the earlier orders dated 6/11/07 in B.A. No.6746/07 and 29/11/07 in B.A.No.7312/07. I am hence not adverting to the facts in any greater detail in this order. This order must be read in continuation of the said orders.

2. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail.

3. The learned Public Prosecutor points out that the offence alleged against the petitioner and the materials

collected so far reveal great depravity of mind on the part of the petitioner. The learned Public Prosecutor submits that if this Court were inclined to grant bail, sufficient further time may be granted to the Investigator to complete the investigation and appropriate conditions may be imposed in the interests of law and order situation in the locality.

4. Having considered all the relevant inputs, I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

5. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 2/1/2008. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and

Fridays between 10 a.m. and 12 noon for a period of three months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(iv) The petitioner shall not enter the Sessions Division of Quilon during the said period of three months except for the purpose of complying with Condition No.(iii) above without the prior permission of the learned Magistrate.

(R. BASANT, JUDGE)

Nan/